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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/435,507 11/08/99 CRUZ

A 0198

EXAMINER

TM02/0801

GRAVINI, S

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

08/01/01

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DAYTON OH 45402

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/435,507

Applicant(s)

Anthony V. CRUZ

Examiner  
Stephen M. Gravini

Art Unit  
2162



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 3, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on June 27, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/435,507 is acceptable and a CPA has been established. An action on the CPA follows. Applicant is requested to ensure the serial number is correct in any correspondence with the Office. Presently the serial number on the submitted information disclosure statement and response are different from the originally filed application number above. In order to avoid delays in matching any subsequent filed papers<sup>with the application</sup>, the examiner requests the serial number be the same as the originally filed serial number.

### *Claim Rejections - 35 U.S.C. § 102*

2. Claims 1-5, 8-12, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Andis (5,590,475). Andis discloses an appliance comprising:

a portable electric appliance **19** having an elongate handle **25** and power switch **21** mounted on said handle, said power switch including an operating member which can be manually moved into a position to open said switch to deenergize the appliance (please see column 3 lines 17-35 which explicitly teach the opening the off-on switch **21** which includes a movable switch member **45** to deenergize the appliance); and

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a wall mount 17 comprising a one-piece, molded plastic body (the one-piece molded plastic is disclosed at column 1 line 35) having a front face 91 and a rear face (also 91, the front and rear perspective occurs when the cradle is viewed from the side as in figures 3 and 5), said front face having a switch-engaging surface portion 95 adapted to engage said switch operating member 21 (which includes a movable switch member 45) to open said switch as said appliance is assembled onto said wall mount in the event an attempt is made to assemble said appliance on said wall mount when said power <sup>which switch</sup> switch is closed and said appliance is, therefore, energized (again please see column 3 lines 17-35 and column 4 lines 5-24 which explicitly teach the opening <sup>the</sup> switch to deenergize the appliance while particularly viewing figures 7 & 8 which show the switch-engaging surface portion adapted to engage said switch operating member to open said switch as said appliance is assembled onto said wall mount). Andis also shows the claimed clamped jaws (figure 2) facing each other feature (figure 1), the resilient projections 91 to pull the appliance handle 19 (figures 5 & 6), the recessed handle housing wall mount (figures 1 & 2), and the electrical appliance being a portable hair dryer (please see column 1 line 12).

***Claim Rejections - 35 U.S.C. § 103***

3. Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andis in view of Chan (5,857,263). Andis discloses the claimed invention except for the extending power cord and power cord slot and reel. Chan teaches that it is known to provide an

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extending power cord and power cord slot and reel as set forth at column 5, lines 28-40. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the extending power cord and power cord slot and reel, as taught by Chan in order to allow great user efficiency without the inconvenience of a dangling power cord during normal user operations.

#### *Response to Arguments*

4. Applicant's arguments filed June 27, 2001 have been fully considered but they are not persuasive. Applicant believes that the sole independent claim is allowable over the prior art because Andis does not disclose the applicant's construction in which a hair dryer can be inserted into a holder "nose first." Applicant further argues that Andis does not anticipate the claimed invention because that reference shows a construction in which a hair dryer has to be inserted facing sideways into a wall mount. The invention as claimed recites a switch mounted on a handle. Andis discloses a switch mounted on a handle as shown in figures 2 & 4 and as discussed at column 3 lines 17-20. The invention as claimed also recites a wall mount having a front face and a rear face with the front face having a switch-engaging surface portion adapted to engage and open the switch when the switch is closed and inserted into the wall mount. Andis discloses a front and rear face with the front face having a switch-engaging surface portion adapted to engage and open the switch when the switch is closed and inserted into the wall mount as shown in figures 1, 2, 4, 7, and 8 and as discussed at column 3 lines 17-35 and column 4 lines 5-24. The

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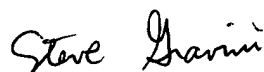
aspect of front and rear is relative to one viewing the disclosure of Andis. Applicant's claimed front and rear aspect does not patentably distinguish the claimed invention over the disclosure of Andis, since the Andis reference is equivalent to the claimed invention. For these reasons, the rejections are maintained since the prior art teaches the claimed invention.

*Conclusion*

5. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Gravini whose telephone number is (703) 308-7570 and electronic transmission/e-mail address is "steve.gravini@uspto.gov". **If applicants chose to send information by e-mail, please be aware that confidentiality of the electronically transmitted message cannot be assured.** Please see MPEP § 502.01.

  
**STEPHEN M. GRAVINI**  
**PRIMARY EXAMINER**

smg  
July 24, 2001